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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAKI OKUYAMA, ET AL. : EXAMINER: VENKAT, JYOTHSNA A.  
SERIAL NO: 10/748,148 :  
FILED: DECEMBER 31, 2003 : GROUP ART UNIT: 1615  
FOR: COSMETIC COMPOSITION FOR :  
EYELASHES

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Masaki OKUYAMA who states that:

1. I am a named inventor of the above-identified application.
2. I have been employed by KOSÉ CORPORATION for 17 years as a scientific researcher in the field of makeup products.
3. I understand the English language, or at least the contents of the Declaration were made clear to me prior to executing the same.

4. The polypropylene fibers of Examples 1-5 and Comparative Examples 2 and 4 are shown in Table 1 (reproduced below) at page 19 of the present specification.

Table 1

No. Component	Example					Comparative Example			
	1	2	3	4	5	1	2	3	4
1)Stearic acid	3	3	3	3	3	3	3	3	3
2)Carnauba wax	5	5	5	1	5	5	6	5	5
3)Candelilla resin*1	5	5	5	10	1	5	-	5	5
4)Cetyl alcohol	1	1	1	1	1	1	1	1	1
5)Purified water	balance	balance	balance	balance	balance	balance	balance	balance	balance
6)Triethanolamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
7)Polypropylene fiber*2	2	0.5	5	2	2	-	2	-	-
8)Polypropylene fiber*3	-	-	-	-	-	-	-	-	2
9)Nylon fiber*4	-	-	-	-	-	2	-	-	-
10)Rayon fiber*5	-	-	-	-	-	-	-	2	-
11)Alkyl acrylate polymer emulsion*6	40	40	40	40	40	40	40	40	40
12)Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
13)Chamomile extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
14)Black iron oxide	8	8	8	8	8	8	8	8	8
15)Silica*7	5	5	5	5	5	5	5	5	5
16)Tests of evaluation and results of determination									
17)Make-up effect (long lash effect)	OO	O	OO	OO	OO	Δ	O	Δ	O
18)Long-lasting of make-up effect	OO	OO	OO	OO	O	O	x	O	Δ
19)Sensitivity upon making-up	OO	OO	O	O	OO	O	Δ	O	x
20)Uniformity of finished film	OO	OO	O	OO	OO	Δ	Δ	Δ	Δ

\*1: softening point 47 to 48°C

\*2: 6 D, 1 mm, treated with 0.5% silica

\*3: 20 D, 4 mm, treated with 0.5% silica

\*4: 6 D, 1 mm, untreated

\*5: 6 D, 1 mm, untreated

\*6: solid content 40%

\*7: SYLYSIA 550 (manufactured by Fuji Silysia Chemical S.A.)

5. Experimental Results:

Table A

No.	Component	Additional Example 1	Comparative Example 1	Comparative Example 3
(1)	Stearic acid	3	3	3
(2)	Carnauba wax	5	5	5
(3)	Candelilla resin *1	5	5	5
(4)	Cetyl alcohol	1	1	1
(5)	Purified water	balance	balance	balance
(6)	Triethanolamine	1.5	1.5	1.5
(7)	Polypropylene fiber*2	2	-	-
(9)	Nylon fiber*3	-	2	-
(10)	Rayon fiber*4	-	-	2
(11)	Alkyl acrylate copolymer emulsion*5	40	40	40
(12)	Methyl p-hydroxybenzoate	0.5	0.5	0.5
(13)	Chamomile extract	0.1	0.1	0.1
(14)	Black iron oxide	8	8	8
(15)	Silica *6	5	5	5
Items of evaluation and results of determination				
a	Make-up effect (long lash effect)	OO	Δ	Δ
b	Long-lasting of make-up effect	OO	O	O
c	Usability of making-up	OO	O	O
d	Uniformity of finished film	O	Δ	Δ

Extremely favorable: OO      Favorable: O      Rather unfavorable: Δ      Unfavorable: ×

\*1: softening point 47 to 48°C

\*2: 6D, 1 mm, untreated

\*3: 6D, 1 mm, untreated

\*4: 6D, 1 mm, untreated

\*5: solid content 40%

\*6: SYLYSIA 550 (manufactured by Fuji Silysia Chemical Ltd.)

[Table B]

		Additional Example									
No.	Component	2	3	4	5	6	7	8	9	10	
(1)	Stearic acid	3	3	3	3	3	3	3	3	3	
(2)	Carnauba wax	5	5	5	5	5	5	5	5	5	
(3)	Candelilla resin*1	5	5	5	5	5	5	5	5	5	
(4)	Cetyl alcohol	1	1	1	1	1	1	1	1	1	
(5)	Purified water	balance	balance	balance	balance	balance	balance	balance	balance	balance	
(6)	Triethanolamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
(7)	Polypropylene fiber*2	2	0.5	5	-	-	-	-	-	-	
(8)	Polypropylene fiber*3	-	-	-	2	0.5	5	-	-	-	
(9)	Polypropylene fiber*4	-	-	-	-	-	-	2	0.5	5	
(10)	Nylon fiber*5	-	-	-	-	-	-	-	-	-	
(11)	Nylon fiber*6	-	-	-	-	-	-	-	-	-	
(12)	Nylon fiber*7	-	-	-	-	-	-	-	-	-	
(13)	Rayon fiber*8	-	-	-	-	-	-	-	-	-	
(14)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40	40	40	40	40	
(15)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	
(16)	Chamomile extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
(17)	Black iron oxide	8	8	8	8	8	8	8	8	8	
(18)	Silica *10	5	5	5	5	5	5	5	5	5	
Items of evaluation and results of determination											
a	Make-up effect (long lash effect)	OO	O	OO	O	O	O	OO	O	OO	
b	Long-lasting of make-up effect	OO	OO	OO	OO	OO	OO	OO	OO	OO	
c	Usability of make-up	OO	OO	OO	OO	OO	OO	OO	O	OO	
d	Uniformity of finished film	O	OO	O	OO	OO	O	O	O	O	

Extremely favorable: OO Favorable: O Rather unfavorable: Δ Unfavorable: X

\*1: softening point 47 to 48°C

\*2: 6D, 2 mm, untreated

\*3: 3D, 0.5 mm, untreated

\*4: 10D, 3 mm, untreated

\*5: 6D, 2 mm, untreated

\*6: 3D, 0.5 mm, untreated

\*7: 10D, 3 mm, untreated

\*8: 6D, 2 mm, untreated

\*9: solid content 40%

\*10: 8YLXS1A550(manufactured by

Fuji Silysia Chemical Ltd.)

\*1: softening point 47 to 49°C  
\*2: 6D, 2 mm, untreated  
\*3: 3D, 0.5 mm, untreated  
\*4: 10D, 3 mm, untreated  
\*5: 6D, 2 mm, untreated  
\*6: 3D, 0.5 mm, untreated  
\*7: 10D, 3 mm, untreated  
\*8: 6D, 2 mm, untreated  
\*9: solid content 40%  
\*10: SYL-YSLA550(manufactured by Fujifilm Chemical Ltd.)

(Table B')

		Additional Comparative Example									
No.	Component	1	2	3	4	5	6	7	8		
(1)	Stearic acid	3	3	3	3	3	3	3	3		
(2)	Carnauba wax	5	5	5	5	5	5	5	5		
(3)	Candelilla resin*1	5	5	5	5	5	5	5	5		
(4)	Cetyl alcohol	1	1	1	1	1	1	1	1		
(5)	Purified water	balance	balance	balance	balance	balance	balance	balance	balance		
(6)	Trichloroamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		
(7)	Polypropylene fiber*2	-	-	-	-	-	-	-	-		
(8)	Polypropylene fiber*3	-	-	-	-	-	-	-	-		
(9)	Polypropylene fiber*4	-	-	-	-	-	-	-	-		
(10)	Nylon fiber*5	2	0.5	6	-	-	-	-	-		
(11)	Nylon fiber*6	-	-	-	2	-	-	-	-		
(12)	Nylon fiber*7	-	-	-	-	2	-	-	-		
(13)	Rayon fiber*8	-	-	-	-	-	2	0.5	5		
(14)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40	40	40	40		
(15)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
(16)	Chitosan extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1		
(17)	Black iron oxide	8	8	8	8	8	8	8	8		
(18)	Silica *10	5	5	5	5	5	5	5	5		
Items of evaluation and results of determination											
a	Make-up effect (long lash effect)	Δ	X	O	X	O	Δ	X	O		
b	Long-lasting of make-up effect	O	Δ	O	Δ	O	Δ	Δ	Δ		
c	Usability of making-up	O	O	X	O	Δ	O	O	O		
d	Uniformity of finished film	O	O	Δ	O	X	O	O	O		

Extremely favorable: OO Favorable: O Rather unfavorable: Δ Unfavorable: X

\*1: so Bening point 47 to 48°C  
\*2: 6D, 2 mm, untreated  
\*3: 3D, 0.5 mm, untreated  
\*4: 10D, 3 mm, untreated  
\*5: 6D, 2 mm, untreated  
\*6: 3D, 0.5 mm, untreated  
\*7: 10D, 3 mm, untreated  
\*8: 6D, 2 mm, untreated  
\*9: solid content 40%  
\*10: SYLX31A350 (manufactured by  
Pajji Silysia Chemical Ltd.)

Table C]		Additional Example										Additional Comparative Example			
No.	Component	11	12	13	14	15	16	9	10	11	12	13	14		
(1)	Stearic acid	3	3	3	3	3	3	3	3	3	3	3	3		
(2)	Carthage wax	5	5	5	5	5	5	5	5	5	5	5	5		
(3)	Candelilla resin*1	5	5	5	5	5	5	5	5	5	5	5	5		
(4)	Cetyl alcohol	1	1	1	1	1	1	1	1	1	1	1	1		
(5)	Purified water	balance	balance	balance	balance	balance	balance	balance	balance	balance	balance	balance	balance		
(6)	Triethanolamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		
(7)	Polypropylene fiber*11	2	0.5	5	-	-	-	-	-	-	-	-	-		
(8)	Polypropylene fiber*12	-	-	-	2	0.5	5	-	-	-	-	-	-		
(9)	Nylon fiber*13	-	-	-	-	-	-	2	0.5	5	-	-	5		
(10)	Rayon fiber*14	-	-	-	-	-	-	-	-	-	2	0.5	5		
(11)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40	40	40	40	40	40	40	40		
(12)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
(13)	Chenamide extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1		
(14)	Black iron oxide	8	8	8	8	8	8	8	8	8	8	8	8		
(15)	Silica *10	3	5	5	5	3	5	5	5	5	5	5	5		
Items of evaluation and results of determination															
a	Make-up effect (long lash effect)	OO	O	OO	OO	O	OO	Δ	X	O	Δ	X	O		
b	Long-lasting of make-up effect	OO	OO	OO	OO	OO	OO	O	Δ	O	Δ	Δ	Δ		
c	Usability of making-up	OO	OO	OO	OO	OO	OO	O	O	X	O	O	X		
d	Uniformity of finished film	OO	OO	OO	OO	OO	OO	O	O	O	O	O	O		

\*10:SYLXSLA550(manufactured by Fuji Silysia Chemical Ltd.)

Items of evaluation and results of determination

Items	Make-up effect (long lash effect)	Long-lasting of make-up effect	Usability of making-up	Uniformity of finished film
a	OO	OO	OO	OO
b	OO	OO	OO	OO
c	OO	OO	OO	OO
d	OO	OO	OO	OO

\*1: softening point 47 to 48°C \*9: solid content 40% \*10: SYLUSIA500 (manufactured by Fuji Silysia Chemical Ltd.)  
\*11: 6D, 2 mm, treated with 5% perfluoroalkylsilane represented by general formula (2) (a=4, b=2, c=1, X=OCH<sub>2</sub>CH<sub>3</sub>)  
\*12: 6D, 2 mm, treated with 10% perfluoroalkylsilane represented by general formula (2) (a=4, b=2, c=1, X=OCH<sub>2</sub>CH<sub>3</sub>)  
\*13: 6D, 2 mm, treated with 5% perfluoroalkylsilane represented by general formula (2) (a=4, b=2, c=1, X=OCH<sub>2</sub>CH<sub>3</sub>)  
\*14: 6D, 2 mm, treated with 5% perfluoroalkylsilane represented by general formula (2) (a=4, b=2, c=1, X=OCH<sub>2</sub>CH<sub>3</sub>)

Extremely favorable: OO Favorable: O Rather unfavorable: Δ Unfavorable: X

Table D

Table D		Additional Example										Additional Comparative Example	
No.	Component	17	18	19	20	21	22	15	16				
(1)	Stearic acid	3	3	3	3	3	3	3	3				
(2)	Carnauba wax	5	5	5	5	5	5	5	5				
(3)	Candelilla resin*15	5	10	1	5	5	5	5	5				
(4)	Cetyl alcohol	1	1	1	1	1	1	1	1				
(5)	Purified water	balance	balance	balance	balance	balance	balance	balance	balance				
(6)	Triethanolamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5				
(7)	Polypropylene fiber*2	2	2	2	0.5	5	-	-	-				
(8)	Polypropylene fiber*11	-	-	-	-	-	5	-	-				
(9)	Nylon fiber*5	-	-	-	-	-	-	2	-				
(10)	Rayon fiber*8	-	-	-	-	-	-	-	2				
(11)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40	40	40	40				
(12)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5				
(13)	Chamomile extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1				
(14)	Black iron oxide	8	8	8	8	8	8	8	8				
(15)	Silica *10	5	5	5	5	5	5	5	5				
Items of evaluation and results of determination													
a	Make-up effect (long lash effect)	OO	OO	OO	O	OO	OO	Δ	Δ				
b	Long-lasting of make-up effect	OO	OO	O	OO	OO	OO	Δ	Δ				
c	Usability of making-up	OO	O	OO	OO	OO	OO	O	O				
d	Uniformity of finished film	O	O	O	OO	O	OO	O	O				

•10: SVI, VSI, A-550 (manufactured by Hitachi, Ltd.)

Items of evaluation and results of determination

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t
Make-up effect (long lash effect)	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO
Long-lasting of make-up effect	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO
Usability of making-up	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO
Uniformity of finished film	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO	OO

\*2: 6D, 2 min, untreated \*5: 6D, 2 min, untreated \*8: 6D, 2 min, untreated \*9: solid content 40%  
\*11: 6D, 2 min, treated with 5% perfluoroalkylsilane represented by general formula (2) (a=4, b=2, c=1, X=OCH<sub>2</sub>CH<sub>3</sub>)  
\*15: softening point 40 to 41°C

Extremely favorable: OO Favorable: O Rather unfavorable: Δ Unfavorable: X

[Table B]

No.	Component	Additional Example						
		23	24	25	26	27		
(1)	Stearic acid	3	3	3	3	3		
(2)	Carnauba wax	5	5	5	5	5		
(3)	Candelilla resin*1	5	5	5	5	5		
(4)	Cetyl alcohol	1	1	1	1	1		
(5)	Purified water	balance	balance	balance	balance	balance		
(6)	Triethanolamine	1.5	1.5	1.5	1.5	1.5		
(7)	Polypropylene fiber*2	0.1	10	-	-	-		
(8)	Polypropylene fiber*16	-	-	2	-	-		
(9)	Polypropylene fiber*17	-	-	-	2	-		
(10)	Polypropylene fiber*18	-	-	-	-	2		
(11)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40		
(12)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5		
(13)	Chamomile extract	0.1	0.1	0.1	0.1	0.1		
(14)	Black iron oxide	8	8	8	8	8		
(15)	Silica *10	5	5	5	5	5		
Items of evaluation and results of determination								
a	Make-up effect (long lash effect)	O	OO	O	O	OO		
b	Long-lasting of make-up effect	OO	OO	OO	OO	OO		
c	Usability of making-up	OO	O	OO	OO	OO		
d	Uniformity of finished film	OO	O	OO	OO	O		

Extremely favorable: OO Favorable: O Rather unfavorable: Δ Unfavorable: X

\*1: softening point 47 to 48°C

\*2: 6D, 2 mm, untreated

\*9: solid content 40%

\*10: SYL 751A550 (manufactured by Fuji Silysia Chemical Ltd.)

\*16: 0.5D, 0.5 mm, untreated

\*17: 0.3D, 0.5 mm, untreated

\*18: 12D, 3 mm, untreated



[Table F]

[Table F]											
		Additional Example					Additional Comparative Example				
No.	Component	28	29	30	17	18	19	20	21	22	
(1)	Stearic acid	3	3	3	3	3	3	3	3	3	3
(2)	Carnauba wax	5	5	5	5	5	5	5	5	5	5
(3)	Polysobutylene (M.W.50,000)	5	-	-	5	-	-	5	-	-	-
(4)	Trimethylsiloxy silicate	-	5	-	-	5	-	-	5	-	-
(5)	Decamethylcyclotrioxane	-	5	-	-	5	-	-	5	-	-
(6)	Pentaerythrityl rosinate	-	-	5	-	-	5	-	-	5	-
(7)	Cetyl alcohol	1	1	1	1	1	1	1	1	1	1
(8)	Purified water	balance	balance	balance	balance	balance	balance	balance	balance	balance	balance
(9)	Triethanolamine	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
(10)	Polypropylene fiber*2	2	2	2	-	-	-	-	-	-	-
(11)	Nylon fiber*5	-	-	-	2	2	2	-	-	-	-
(12)	Rayon fiber*8	-	-	-	-	-	-	2	2	2	2
(13)	Alkyl acrylate copolymer emulsion*9	40	40	40	40	40	40	40	40	40	40
(14)	Methyl p-hydroxybenzoate	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
(15)	Chamomile extract	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
(16)	Black iron oxide	8	8	8	8	8	8	8	8	8	8
(17)	Silica *10	5	5	5	5	5	5	5	5	5	5
Items of evaluation and results of determination											
a	Make-up effect (long lash effect)	OO	OO	OO	Δ	Δ	Δ	Δ	Δ	Δ	Δ
b	Long-lasting of make-up effect	OO	OO	OO	Δ	Δ	Δ	Δ	Δ	Δ	Δ
c	Usability of making-up	OO	OO	OO	Δ	Δ	Δ	Δ	Δ	Δ	Δ
d	Uniformity of finished film	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Extremely favorable: OO Favorable: Δ Rather unfavorable: Δ Unfavorable: X											

\*2: 6D, 2 mm, untreated  
 \*5: 6D, 2 mm, untreated  
 \*8: 6D, 2 mm, untreated

6. Examples of cosmetic compositions, which include polypropylene fibers having a thickness of 0.3, 0.5, 3, 6, 10 and 12 denier (D) and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in the preceding Tables.

7. Examples of cosmetic compositions, which include polypropylene fibers having a length of 0.5, 1, 2 and 3 mm and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in the preceding Tables.

8. Examples of cosmetic compositions, which include polypropylene fibers being present in an amount of 0.1, 0.5, 2, 5 and 10 wt. % and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in the preceding Tables.

9. Examples of cosmetic compositions, which include an oil soluble resin and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, wherein the oil soluble resin is selected from one or more of polyisobutylene (Ex. 28 of Table F), trimethylsiloxy silicate (Ex. 29 of Table F), decamethylcyclopentasiloxane (Ex. 29 of Table F), pentaerythrityl rosinat (Ex. 30 of Table F), candelilla resin obtained from fractionation and having a softening point of from 47°C to 48°C (Ex. 1-16 and 23-27 of Tables 1, A, B, C and E) and candelilla resin obtained from fractionation and having a softening point of from 40°C to 41°C (Ex. 17-22 of Table D), are shown in the preceding Tables and described in the present specification (See e.g., page 9, lines 15-25, page 10, lines 1-14, and page 19).

10. Examples of cosmetic compositions, which include untreated polypropylene fibers and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Table A (Ex. 1), Table B (Ex. 2-10), Table D (Ex. 17-21), Table E (Ex. 23-27) and Table F (Ex. 28-30). It should be mentioned that silica (Sylysia 550) is incorporated into the cosmetic composition as a powdered filler.

11. An example of a cosmetic composition, which includes polypropylene fibers surface treated with silica and surprisingly exhibits superior long lash effect, long lasting effect, usability and uniformity, is shown in Table 1 (Ex. 1).
12. Examples of cosmetic compositions, which include polypropylene fibers surface treated with a perfluoroalkylsilane compound according to general formula (2) (wherein  $a = 4$ ,  $b = 2$ ,  $c = 1$ , and  $X = -OCH_2CH_3$ ) and surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Ex. 11-16) and Table D (Ex. 22) and described in the present specification (See e.g., page 6, lines 5-19).
13. Comparative Examples of conventional cosmetic compositions, which include untreated nylon fibers and exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A (Comp. Ex. 1), Table B' (Comp. Ex. 1-5), Table D (Comp. Ex. 15), and Table F (Comp. Ex. 17-19).
14. Comparative Examples of conventional cosmetic compositions, which include surface treated nylon fibers and exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Comp. Ex. 9-11).
15. Comparative Examples of conventional cosmetic compositions, which include untreated rayon fibers and exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A (Comp. Ex. 3), Table B' (Comp. Ex. 6-8), Table D (Comp. Ex. 16) and Table F (Comp. Ex. 20-22).
16. Comparative Examples of conventional cosmetic compositions, which include surface treated rayon fibers and exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Comp. Ex. 12-14).

17. This evidence clearly illustrates that cosmetic compositions which include: polypropylene fibers having a thickness within the range of from 0.1 to 12 D and a length within the range of from 0.1 to 3 mm; and an oil soluble resin, unexpectedly exhibit superior properties, with respect to long lash effect, long lasting effect, usability and uniformity, as compared to the undesirable properties associated with conventional cosmetic compositions which alternatively include nylon (polyamide) or rayon (cellulose) fibers in place of the polypropylene fibers.

18. In my opinion, Examples similar in composition to Examples 1-30 of the preceding Tables, but including untreated or surface treated polypropylene fibers having varying values of thickness within the range of from 0.1 to 12 D and varying values of length within the range of from 0.1 to 3 mm, would exhibit comparable properties to those of Examples 1-30, with respect to superior long lash effect, long lasting effect, usability and uniformity, as would such Examples with varying amounts of polypropylene fibers within the range of from 0.1 to 10 wt. %. I am aware of no reason to believe otherwise.

19. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Masaki Okuyama  
Masaki OKUYAMA

March 14, 2008  
Date